

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 64]

भोपाल, मंगलवार, दिनांक 9 फरवरी 2021—माघ 20, शक 1942

श्रम विभाग

मंत्रालय, वल्लभ भवन, भोपाल

Bhopal the 9th February 2021

S.No.F01/05/2020/A-16:- The following draft rules, which the State Government proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (35 of 2020) and in proposed supersession of-

- (i) The Madhya Pradesh Industrial Disputed Rules, 1957; and
- (ii) The Madhya Pradesh Trade Unions Regulations 1961; and
- (iii) The Madhya Pradesh Industrial Employment (Standing Orders) Rules, 1963

Made by the State Government in exercise of the powers conferred by the Industrial Disputes Act, 1947 (14 of 1947), the Trade Unions Act, 1926 (16 of 1926) which are repealed by section 104 of the said Industrial Relations Code, 2020 and the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (26 of 1961), which is to be repealed by the State Government, as the case may be, except as respects things done or omitted to be done before such supersession, is hereby, notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is, hereby, given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Deputy Secretary to the Government of Madhya Pradesh, Department of Labour, Mantralaya, Vallabh Bhawan, Bhopal or by email to -dslabourmp@mp.gov.in.

Objections and suggestions, which may be received from any person or organization with respect to the said draft rules before expiry of the period specified above, will be considered by the State Government, namely :-

DRAFT OF RULES CHAPTER-I

PRELIMINARY

1. Short title, application and commencement-

- (1) These rules may be called the Madhya Pradesh Industrial Relation Rules, 2020.
- (2) These rules shall extend to Whole State of Madhya Pradesh in respect to the industrial establishments and matters for which the State Government is the appropriate Government.
- (3) They shall come into force on the date of their publication in the Official Gazette of Madhya Pradesh.

1A. Definition.-

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Code" means the Industrial Relations Code, 2020 (35 of 2020);
 - (b) "Section" means the section of the Code;
 - (c) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code.
- (2) The words and expressions used in these rules and are not defined but defined in the Code, shall have the same meaning as assigned to them respectively in the Code.

2. **Written Agreement for the settlement before the Conciliation Officer under clause (zi) of Section 2.-** The Agreement under clause (zi) of Section 2 for written agreement between the employer and worker shall be in the form specified in Form-I and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.

**CHAPTER II
BI-PARTITE FORUMS**

3. Constitution of Works Committee.-

- (1) Every employer to whom an order made by the Labour Commissioner under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as is specified in these rules.
- (2) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment:
 Provided that the total number of members of the Works Committee shall not exceed more than twenty:
 Provided further that the number of representatives of the worker in the Works Committee shall not be less than the number of representatives of the employer therein.
- (3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.
- (4) (a) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to

- how many of the workers are members of such Trade Union; and
- (b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner or any other officer nominated by him, not below the rank of a Labour Officer, in writing, who shall, after hearing the parties, shall decide the matter and his decision thereon shall be final.
- (5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative the Committee in following two groups, namely:-
- (a) registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.
- (b) where there is no registered Trade union, workers may choose amongst themselves representatives for works committee.
- (6) (a) The Works Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year.
- (b) the Chairman shall be nominated by the employer from amongst the employer's representatives of the Works Committee and he shall, as far as possible, be the head of the industrial relations;
- (c) the Vice-Chairman shall be elected by the members, of the Works Committee representing the workers, from amongst themselves:
- Provided that in the event of equality of votes in the election of the Vice- Chairman, the matter shall be decided by draw of a lot;
- (d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:
- Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two consecutive years:
- Provided further that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be, from amongst the representatives of the worker and only the representatives of the worker shall be entitled to vote in such elections;

- (e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.
- (7) (a) the term of office of the representatives of the Works Committee other than a member chosen to fill a casual vacancy shall be two years;
(b) a member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;
(c) a member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.
- (8) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.
- (9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.
- (10) (a) the Works Committee may meet as often as necessary;
(b) the Works Committee shall at its first meeting regulate its own procedure;
(c) Meeting of the Works Committee shall be called within three days of a notice to the Chairman mentioning the reasons for such meeting therein, if such notice is signed by at least half of the representatives of the committee.
- (11) (a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;
(b) the Secretary of the Works Committee may with the prior concurrence of the Chairman, put up notice regarding the meeting and work of the Works Committee on the notice board of the industrial establishment.

4. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4.- The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

(2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The representatives of the workers shall be chosen by the registered Trade Union and where a negotiating council exists, such representatives shall be chosen in the same proportion as the Trade Unions are respectively represented in the negotiating council. In case where there is no registered Trade union or negotiating council, the member may be chosen by the workers of the industrial establishment:

Provided that there shall be adequate representation of women workers in the Grievance Redressal Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment:

Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union:

Provided further also that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.

(4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to -

(a) How many of the workers are members of such Trade Union;

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Labour Commissioner, or any other officer nominated in writing, by the Labour Commissioner, not below the rank of Labour Officer, who shall, after hearing the parties, decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the committee by following two groups, namely:-

- (a) registered Trade Union may choose their representative as members for Grievance Redressal Committee in the proportion of their membership.
- (b) such workers those who are not member of registered Trade Union , may choose amongst themselves representatives for the Grievance Redressal Committee.

- 5. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.-** Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or by speed post or registered post. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.
- 6. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the conciliation officer under sub-section (8) of section 4.-** Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application electronically or by registered post or by speed post within the period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise:

Provided that in case of manual receipt of such application through registered post or speed post, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

CHAPTER - III

TRADE UNIONS

- 7. Payment of subscription by members to Trade Union under sub-section (f) of Section 7 and sub section (4) of Section 15.-**
- (1) Registered Trade Union may collect the subscription from its members, office bearers or from others, as provided under the rules approved by the Registrar on monthly, quarterly, half yearly or yearly basis subject to such amount as prescribed under sub -section (2) .

- (2) The payment of a minimum subscription by members of the Trade Union shall be as provided under the rules of the trade union approved by the Registrar but shall not be less than :-
 - (a) Twenty Rupees per annum for rural workers;
 - (b) Thirty Rupees per annum for workers in other unorganised sectors; and
 - (c) Fifty Rupees per annum for workers in any other case or as may be fixed by the State Government time to time .

8. Manner of Annual audit under sub- section (j) of section 7.-

- (1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor having the qualifications prescribed in sub-section (1) of Section 226 of the Indian Companies Act, 1956 (1 of 1956).
- (2) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st December, exceed 2000, the annual audit of the accounts may be conducted-
 - (a) by any auditor authorised by the State Government to examine public accounts; or
 - (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension of not less than **Rs. 5000 per mensem**; or
 - (c) by a Chartered Accountant.
- (3) Where the membership of a registered Trade Union did not, at any time, during the year ending on the 31st day of December, exceed 1,000 the annual audit of the accounts may be conducted-
 - (a) by any two persons holding office as a Member of Corporation, a Municipality, a Jila or Janpad Panchayat; or
 - (b) by any person who, having held an appointment under the Government in any audit or accounts department, is in receipt of a pension from the Government of not less than **Rs. 5000 a month**; or
 - (c) by any auditor appointed to conduct the audit of Co-operative Societies by the Government or by the Registrar of Co-operative Societies or by any co-operative organization recognised by the Government for this purpose.
- (4) Where the membership of a registered Trade Union did not at any time, during the year ending on the 31st December exceed 250, the annual audit of the accounts may be conducted by any two ordinary members of such registered Trade Union who were not on the executive during the period to which the accounts pertain.

- (5) Where the registered Trade Union is a federation of Trade Unions and the number of such unions affiliated to it at any time during the year ending on the 31st December, did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it has not, at any time, during the year had a membership of more than 2,000, 1,000 or 250 respectively.
- (6) **Disqualification of auditors.**- Notwithstanding anything contained in these rules, no person who, at any time, during the year for which the accounts are to be audited, was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that union.
- (7) **Accessibility to the books of accounts.**- The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating thereto and shall thereafter sign the author's declaration appended to in **Form II**, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not, supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate-
- every payment which appears to be unauthorised by the rules of the registered Trade Union concerned or contrary to the provisions of the Act;
 - the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person;
 - the amount of any sum which ought to have been, but is not brought to account by any person.
9. **Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under sub-section (k) and (l) of Section 7.-**
- When a registered Trade Union is dissolved, notice of the dissolution or any amendment and variation in rules shall be sent to the Registrar in **Form III**.
 - On receiving copy of notice under sub - rule (1) any amendment or variation made in the rules of a Trade Union under sub - section (k) of Section 7, the Registrar shall, unless he has reason to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Act, register the amendment or variation in the rules in a register to be maintained for this purpose and shall notify the fact that he has done so to the secretary of the Trade Union.
 - On receiving copy of notice under sub-rule (1) dissolution under sub - section (l) of Section 7, the Registrar shall, unless he has reason to believe that the dissolution of Trade Union has not been

made in the manner provided by the Act, register the dissolution of Trade Union in a register to be maintained for this purpose and shall notify the fact that he has done so to the secretary of the Trade Union.

- (4) The fee payable shall be Rs. Fifty or as may be fixed by the State Government from time to time and shall be deposited electronically in the appropriate head of accounts of the Government.

10. Registration of Trade Union and cancellation thereof under Section 8 and 9:-

- (1) **Form of application for registration.** - Every application for registration of a Trade Union shall be made in **Form IV** electronically or otherwise along with receipt of fee and such other documents as required under Section 9 of the Industrial Relations Code, 2020.
- (2) An affidavit shall be attached with the application filed for registration and cancellation of registration under sub rule (1) by the applicant in the **Form V**.
- (3) **Evidence to prove authority to make application-** Upon an application for the registration of a trade union, the Registrar may require from the applicants such evidence, as may seem to be necessary to show that the applicants have been duly authorised to make the application on behalf of the Trade Union and that the other particulars in **Form -VI**.
- (4) **Fees for registration.-** The fee payable for registration of a Trade Union shall be Rs. One Hundred or as may be fixed by the State Government time to time and shall be paid electronically in the appropriate head of accounts of the State Government.
- (5) **Form of register.** - The register of Trade Unions by the Registrar shall be maintained electronically or otherwise in **Form VII**.
- (6) **Form of certificate.** - The certificate of registration in **Form VIII** shall be issued electronically or otherwise by the Registrar after due verification of the information and particulars submitted with the application, either by himself or through any other officer authorised by him and found proper. The certificate shall be issued by the Registrar within thirty days from the date of application received otherwise the registration shall be deemed to be issued if no decision is taken and communicated **electronically or through registered post or speed post** on such application by the Registrar within thirty days.
- (7) **Form of application for withdrawal or cancellation.** - Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or through **registered post or speed post** to the Registrar in **Form IX** along with a receipt of fee of Rs One Hundred or as may be fixed by the State Government time to time, to be paid electronically in the appropriate head of accounts. The Registrar may require from the

applicants such evidence, as may seem to be necessary, to show that the applicants have been duly authorised to make the application on behalf of the Trade Union.

- (8) **Verification and Grant of application.** - The Registrar, on receiving an application for registration, withdrawal or cancellation of registration; shall, before granting such application, verify that the application was approved in a general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose, the Registrar may call for such further particulars as he may deem necessary and may examine any officer of the union.
11. **Appeal against non-registration or cancellation of registration under Section 10.**- The appeal against the order of the Registrar shall be filed by any aggrieved person within thirty days from the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the causes of the appeal accompanied with a certified copy of the order of the Registrar.
12. **Communication to trade union and change in its registration particulars by the Registrar and by Trade Union to Registrar under Section 11.**-
 - (1) All communication and notices to a registered trade unions shall be sent electronically or otherwise to Trade union by the Registrar to the approved postal address and e mail address as mentioned in the register.
 - (2) All communication and notices by a registered trade union with respect to any change in any particulars of trade unions or its rules or office bearers or membership falling below 10 percent or one hundred, whichever is less, shall be sent **electronically or by registered post or by speed post** to the Registrar to his official postal address ore-mail address within thirty days from such date of such change or event.
 - (3) On receiving a copy electronically or otherwise of any communication made as mentioned under sub rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union unless, such communication or alteration or change is not in accordance with the provisions of the Act, register such communication or change or alteration in a register to be maintained for this purpose and shall notify the fact that he has done so, to the Secretary of the Trade Union in the manner prescribed under sub rule (1) .
 - (4) The fee payable for such communication or alteration of rules shall be Rs Fifty or as may be fixed by the government time to time and be paid electronically in the appropriate head of accounts of the State Government for each set of alterations made at one time.

13. Matters on which negotiating union and negotiating council may negotiate under sub section (1) and (2) of Section 14.-

- (1) Negotiating union or negotiating council shall be entitled to negotiate with the employer or employers with respect to all or any of the following matters, namely:-
 - (i) All matters pertaining to Third Schedule to the Industrial Relations Code, 2020.
 - (ii) All matters pertaining to discharge or dismissal or termination of workman.
 - (iii) All matters pertaining to strike and lockout.
 - (iv) All matters pertaining to lay -off, retrenchment of workers and closure of establishment.
- (2) If there is only one Trade Union in an Industrial Establishment, which is having membership of twenty percent or more workers of that Establishment, such union shall be entitled to negotiate with the employer under the provisions of sub rule (1).
- (3) **Manner of verification of workers of negotiating union under sub section (3) of Section 14.-** The Registrar shall verify the membership of a trade union, on an application made by such union or industrial establishment in **Form X** for declaring the union as Negotiating Union for the industrial establishment either by the method of physical verification in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the trade union by the members. For this a notice by the Registrar shall be served at least 7 days in advance to all the workers and the employer indicating the date and time and place for such verification. On the report of such verification, The Registrar shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as Negotiating union for the industrial establishment. The Industrial Establishment shall recognise such trade union as Negotiating Union for the establishment.
- (4) **Manner of verification of workers of negotiating council under sub section (4) of Section 14.-** The Registrar shall verify the membership of a trade union, on an application made by the Industrial Establishment in **Form X** for deciding the union to be taken in the Negotiating Council \either by the method of physical verification in Registrar's presence or in presence of any Officer authorised by him or on the basis of verification of payment of subscription to the trade union by the members. For this a notice by the Registrar shall be served at least 7 days in advance to all the workers and the employer indicating the date and time and place for such verification. On the report of such verification, the Registrar shall pass an order within 15 days of such verification and communicate electronically or otherwise to such union and

the employer and a copy shall also be displayed on the notice board of the industrial establishment. The Registrar shall enter the name of such union in the records as member of Negotiating council for the industrial establishment. The Industrial Establishment shall recognise such trade union as member of Negotiating Council for the establishment.

- (5) The list of Negotiating Unions and members of Negotiating Council referred to in Section 14 and verified under sub rule (3) ,(4) or (5) shall be maintained in **Form XI** by the Registrar.

- (6) **Facilities to be provided to Negotiating Union or Negotiating Council under sub section (7) of Section 14:-**

- (i) **Right of holding discussions on the premises of the undertaking with employees.-** The officers of **Negotiating Union or member unions of Negotiating Council** shall have the right and shall be permitted by the employer, to hold discussions on the premises of the undertaking with the employees concerned who are the members of such union:

Provided that-

- (a) the union shall intimate, in advance to the employer the name or names of the officer or officers authorised for the purposes and the name of the department or departments in which the members concerned are employed; and
- (b) the discussions shall be held in such manner as not to interfere with the working of the undertaking.

- (ii) **Right of holding discussions on the premises of the undertaking with the employer. -** The officers of an **Negotiating Union or member unions of Negotiating Council** shall have the right to meet the employer or any person appointed by him for the purpose and discuss with him the grievances of its members employed in his undertaking subject to the following conditions, namely :-

- (a) the discussion shall ordinarily be held on two days in a week during such working hours as may be fixed by the employer and the union except in urgent cases when it may be held on any day and at any time by previous appointment;
- (b) the union shall ordinarily communicate, in advance, the nature of the grievances which it desires to discuss;
- (c) the name of the officer or member authorised in this behalf shall either be communicated to the employer

in advance or such officer shall carry a letter of authority.

(iii) **Collections of sums on the premises of the undertakings by certain officers of Negotiating Unions.** - Every officer of the negotiation union and such members of the union as have completed at least six months of membership and been authorised by the President in this behalf shall, subject to the following conditions, be entitled to collect sums as per rules of trade union payable by its members on the premises of an undertaking where wages are paid to them-

- (a) the name or names of the officer, officers, or members, authorised in this behalf shall be intimated in advance to the employer and changes, if any, therein shall be communicated to the employer at least 24 hours before the date of collection;
- (b) the officers and members visiting the undertaking for this purpose shall carry a letter of authority;
- (c) no coercion or force shall be used on any employee;
- (d) the collection shall be made without causing hindrance to the staff of the undertaking or interference in the management's work;
- (e) not more than 10 employees at a time shall be allowed together at the place where such sums are collected;
- (f) collections shall be made on the usual pay day or days and the subsequent three days and the day on which unclaimed wages are paid.

(iv) **Putting up notice boards of the Negotiating Unions in the undertaking.** - President of the Negotiating union or an office bearer authorised by the President or General Secretary shall be entitled to put up or cause to be put up a notice board or electronic notice board outside the time-keeper's office or at any other conspicuous place mutually agreed upon between the employer and the union and affix notices therein during the hours the undertaking is open :
Provided that-

- (a) the notice board to be put up shall be of a reasonable size;
- (b) the notices to be affixed shall be signed either by the President, the Vice-President when carrying on the duties of the President during this absence, the General Secretary, the Secretary; and

- (c) such notices shall relate to lawful activities of the union and shall not be of an offensive or provocative nature.

14. Objects on which general funds may be spent under sub section (1) of Section 15.-

- (i) The general funds of a registered Trade Union shall not be spent on any other objects other than that of the following, namely;-
 - (a) the payment of salaries, allowance and expenses to office bearers of the Trade Union;
 - (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
 - (c) the prosecution of defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members with his employer or with a person whom the member employs;
 - (d) the conduct of Trade Disputes on behalf of the Trade Union or any member thereof;
 - (e) the compensation of members for loss arising out of trade disputes;
 - (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
 - (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness accident or unemployment;
 - (h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses or funeral or religious ceremonies for deceased members) or for the dependants of members;
 - (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;
 - (j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to the benefit workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the

- credit of those funds at the commencement of that year;
and
- (k) subject to any conditions contained in the notification, any other objects notified by the state government in the Official Gazette.
- (2) **Composition of separate fund under sub section (2) of Section 15:-**
- (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in the Code.
- (2) The objects referred to in sub-section (1) are-
- (a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or
 - (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
 - (c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or
 - (d) the registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority; or
 - (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.
- (3) No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

15. Manner of making application for adjudication before the Tribunal under sub section (1) of Section 22.-

The application before the Industrial Tribunal shall be filed within thirty days of occurrence of any dispute as provided under Section 22 or any such order of the Registrar passed in relation to such dispute along with

the relevant copies of the documents related to such dispute or order and mentioning the cause of such dispute and the Tribunal shall give an opportunity of hearing to all concerned parties and shall pass the order within forty five days.

16. Manner of amalgamation and change of name of trade union and sending it to the Registrar thereof under sub section (2) and (3) of Section 24.-

(1) Amalgamation of Trade Unions-Form of notice. -

- (i) Notice of every amalgamation shall be sent to the Registrar electronically or by registered post or by speed post in duplicate in **Form XII** by the applicant trade union.
- (ii) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or by the registered post or by speed post to all the concerned trade unions and shall make entry in all appropriate records of such amalgamation.
- (iii) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or by registered post or by speed post in **Form XIII**.
- (iv) When the Registrar registers a change of name, he shall certify under his signature of such change of name of the Trade Union and shall issue the certificate to the applicant Trade Union and shall make entry in all appropriate records of such change of name.

17. Distribution of funds of the trade union on dissolution under sub section (2) of Section 25.- Where it is necessary for the Registrar, under sub-section (2) of Section 25, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the funds among the members in proportion to the amounts contributed by them by way of subscription during their membership.

18. Annual Return (General Statement) of trade union under sub section (1) of Section 26.-

- (i) The general statement to be furnished under Section 26 shall be submitted to the Registrar electronically or by registered post or by speed post by the 31st day of March in each year and shall be in **Form XIV**.
- (ii) The audit of the general statement shall be done in the manner prescribed under Rule 8 of these rules.
- (iii) Upon a written demand by the Registrar, report of any audit done under these rules shall be presented by the trade union before the Registrar within such time limit as directed by the Registrar.
- (iv) The Registrar may ask from the trade union in writing any other particulars about the general statement and the audit report, as

he deems fit, for ascertaining the facts mentioned in such general statement and audit report.

19. Recognition of Trade Unions at State Level under sub section (2) of Section 27.-

- (1) Application shall be filed in **FORM XV** by the Trade Union or federation of the Trade Unions to the State Government or the Officer authorised by the State Government in this regard by the notification.
- (2) The State Government or the officer authorized shall, after due enquiry, as it deems fit, decide such application within sixty days of its receipt and send the copy of the decision to the applicant with a copy to the Labour Commissioner and the Registrar.
- (3) If any dispute arises in relation to such recognition, The Government or the Officer authorised by the State Government in this regard, shall refer the dispute to the Industrial Tribunal. The Industrial Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the appeal within forty five days and the order shall be binding upon the parties.

CHAPTER-IV

STANDING ORDERS

20. Manner of forwarding information to certifying officer under sub-section (3) of section 30.-

- (1) If the employer adopts the model standing order of the Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.
- (2) On receipt of information in sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically by the employer.

- (3) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall be deemed to have been adopted by the employer.

- 21. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30.**— Where there is no such Trade Union and negotiating union or negotiating council, as is referred to in clause (i) of said sub-section (5) of Section 30, then, the certifying officer shall direct the workers to choose three representatives within ten days from the date of such order. The name of these representatives shall be sent to the Conciliation Officer for verification, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within ten days from the receipt of the notice.
- 22. Manner of authentication of certified standing orders under sub-section (8) of section 30.**— Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the appellate authority, as the case maybe, and shall be sent electronically within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model standing orders.
- 23. Statement to be accompanied with draft standing orders under sub-section (9) of section 30.**— A statement to be accompanied with—
- (i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade union to which such workers belong; and
 - (ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such

statement shall be signed by a person authorized by the industrial establishment or undertaking.

- 24. Conditions for submission of draft standing orders in similar establishment under sub-section (10) of section 30.-** In cases of group of employer engaged in similar industrial establishment may submit a joint-draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Unions negotiating union or negotiating council, if any:

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the **Labour Commissioner** who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.

- 25. Manner of disposal of appeal by appellate authority under section 32.-**

- (1) An employer or Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within 60 days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically or otherwise to the appellate authority.
- (2) the appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given;
 - (a) where the appeal is filed by the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned;
 - (b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and
 - (c) Where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.
- (3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

26. The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33.-

(1) The standing order finally certified by certifying officer shall be sent electronically except in the case of deemed certification under section 30.

(2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order under this Chapter shall be maintained by the employer in Hindi and English.

27. Register for final certified copy of Standing Order under section 34.-

(1) The certifying officer shall maintain electronically a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of -

(a) the unique number assigned to each standing order;

(b) name of industrial establishment;

(c) nature of industrial establishment;

(d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;

(e) the areas of the operation of the industrial establishment; and

(f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy thereof to any person applying for certified standing orders or deemed certified standing orders, as the case may be, on payment of ten rupees per page or as fixed by the State Government time to time by notification electronically to the appropriate head of accounts of the State Government.

28. Application for modification of Standing Order under sub-section (2) of section 35.-

The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted

electronically or otherwise and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking. Such application shall be dealt in the same manner as provided under rule 22 to 27 of these rules.

CHAPTER - V

NOTICE OF CHANGE

29. The manner of giving notice for change proposed to be effected under clause (i) of section 40.-

- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XVI** to such worker affected by such change.
- (2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

Provided that where there is a registered Trade Union or registered Trade Unions relating to the industrial establishment a copy of such notice shall also be served on the Secretary of such Trade Union or each of the Secretaries of such Unions, as the case may be.

CHAPTER - VI

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

30. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42. -

- (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XVII** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

(2) The Arbitration Agreement referred to in sub-rule (1) shall be signed.-

- (i) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;
- (ii) In the case of the workers by the officer of the registered Trade Union authorized in this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;
- (i) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member:

Explanation.-

- (1) In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;
- (2) In this rule 'officer' means any of the following officers, namely:-
 - the President;
 - (a) the Vice-President;
 - (b) the Secretary (including the General Secretary);
 - (c) a Joint Secretary; and
 - (d) any other officer of the Trade Union authorized in this behalf by the President and Secretary of the union.

31. Manner of issue of notification under sub-section (5) of section 42.- Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette and electronically for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute and they

may present their case before the arbitrator or arbitrators appointed for such purpose.

- 32. Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of section 42.-** Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-XVII** authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER - VII

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

- 33. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the Industrial Tribunal of the State (hereinafter in these rules referred to as the Industrial Tribunal) under sub-section (4) and (5) of Section 44.-**
- (1) The qualification for appointment of the Judicial Member of the Industrial Tribunal (hereinafter in this chapter referred to as the judicial Member) shall be such as provided in sub-section (4) of section 44.
 - (2) The Judicial member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3).
 - (3) The Search Cum Selection Committee shall comprise the following members, namely:-
 - (i) Chief Secretary to the Government of Madhya Pradesh, - Chairperson; and
 - (ii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Labour -Member .
 - (iii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Law -Member .
 - (iv) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Industry -Member .
 - (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view the requirement of the Industrial Tribunal recommend a panel of

- two or three persons as it deems fit for appointment to each post.
- (5) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.
 - (6) A Judicial Member shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.
 - (7) In case of casual vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of the other Industrial Tribunal to officiate as Judicial Member.
 - (8) (a) A Judicial Member shall be paid a salary of rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State Government holding Group A post carrying the same pay;
 (b) In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.
 - (9) (a) In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund Rules and the rules for pension applicable to them;
 (b) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.
 - (10) A Judicial Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay **or may be allotted a suitable government accommodation.**
 - (11) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges;
 (b) In case of retired Judges, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
 - (12) (a) The State Government shall be the leave sanctioning authority for the Judicial Member;

- (b) The State Government shall be the sanctioning authority for foreign travel to the Judicial Member.
- (13) State Government Health Scheme facilities as admissible to High Court Judges and Judicial Officers or an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the *State Government* holding Group A post carrying the same pay;
(b) In case of retired High Court Judges, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.
- (15) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint;
(b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry;
(c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the State Government;
(d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit;

- (e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

- (19) A Judicial Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Judicial Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

- (20) (a) The State Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who,-

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such a Judicial Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Judicial Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

- (21) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form-XIX** annexed to these rules.
- (22) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions has been made in these rules, shall be referred by the Industrial Tribunal to the State Government for its decision, and the decision of the State Government thereon shall be binding.

- (23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

34. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Industrial Tribunal under sub-section (4) and (5) of section 44.-

- (1) The qualification for appointment of the Administrative Member of the Industrial Tribunal (hereinafter in this chapter referred to as Administrative Member) shall be such as given in sub-section (4) and proviso therein of section 44.
- (2) (a) The Administrative Member shall be appointed by the State Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3) of this rule.
- (3) The Search Cum Selection Committee shall comprise the following members, namely:-
 - (i) Chief Secretary to the Government of Madhya Pradesh, - Chairperson; and
 - (ii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Labour -Member .
 - (iii) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of General Administration - Member .
 - (iv) Principal Secretary or Secretary to the Government of Madhya Pradesh, Department of Industry -Member .
- (4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as experience keeping in view of the requirement of the Industrial Tribunal and recommend a panel of two or three persons as it deems fit for appointment to said post.
- (5) No appointment of Administrative Member shall be declared invalid merely by reason of one vacancy or absence of any Member in the Search-cum-Selection Committee.
- (6) An administrative Member shall hold office for a term of four years or till he attains the age of sixty five years, whichever is earlier.
- (7) In case of casual vacancy in the office of Administrative Member the State Government shall appoint the Administrative

Member of the other State Industrial Tribunal to officiate as Administrative Member.

- (8) The Administrative Member shall be paid a salary of rupees 2,25,000/- per month and shall be entitled to draw allowances as are admissible to an officer of the State holding Group A post carrying the same pay. In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.
- (9) (a) In case of serving Government Officer, the service rendered in Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belong and shall be governed by the prevalent Provident Fund Rules in the state.
(b) In case of retired Government Officers, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Member in the Industrial Tribunals.
- (10) Administrative Member shall be entitled for house rent allowance at the rate as admissible to an officer of the State Government holding Group A post carrying the same pay or may be allotted a suitable government accommodation.
- (11) (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs;
(b) In case of retired Government Officers, leave shall be admissible as are admissible to an officer of the State Government holding Group A post carrying the same pay.
- (12) (a) The State Government shall be the leave sanctioning authority for the Member;
(b) The State Government shall be the sanctioning authority for foreign travel to the Administrative Member.
- (13) State Government Health Scheme facilities as admissible to an officer of the State Government holding Group A post carrying the same pay shall be applicable.
- (14) (a) Travelling allowance to an Administrative Member shall be admissible as per entitlement an officer of the State Government holding Group A post carrying the same pay;
(b) In case of retired Government Officer, transfer travelling allowance for joining the State Industrial Tribunal from

home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the State Government holding Group A post carrying the same pay.

- (15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the State Government holding Group A post carrying the same pay.
- (17) No person shall be appointed as an Administrative Member, unless he is declared medically fit by an authority specified by the State Government in this behalf.
- (18)
 - (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as Administrative Member, it shall make a preliminary scrutiny of such complaint;
 - (b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry;
 - (c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the State Government;
 - (d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the State Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit;
 - (e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.
- (19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the State Government:

Provided that the Administrative Member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) The State Government shall, on the recommendation of the Search-Cum-Selection Committee, remove from office any Administrative Member, who-

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Administrative Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where an Administrative Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

(21) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form-XX** annexed to these rules.

(22) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provisions has been made in these rules, shall be referred by the State Industrial Tribunal to the State Government for its decision, and the decision of the State Government thereon shall be binding.

(23) The State Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

35. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.-

- (1) (i) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer on receipt of such application shall examine the application and if he finds that the dispute pertains to the jurisdiction of the state government shall register the dispute and issue first notice in writing to the parties concerned declaring his intention to commence conciliation proceedings;
 - (ii) the employer and the workers' representative in the first meeting shall submit their respective statement in the matter of said dispute;
 - (iii) the Conciliation Officer shall hold the conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such reasonable things fit for the purpose of inducing the parties to come to a fair and amicable settlement.
- (2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report on official Labour Portal of the Department of Labour, Government of Madhya Pradesh within seven days from the date on which the conciliation proceedings are concluded and made available on the said Labour Portal.
 - (3) The report referred to in sub-rule (2) shall be accessible to the parties concerned on the said Labour Portal.
 - (4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.
 - (5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form-XXI**, before the Tribunal within ninety days from the date of the report under sub-rule (2) through the labour portal or by registered post or speed post.
 - (6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along

with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or by registered post or speed post for service on each of the opposite parties in the dispute.

- (7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.
- (8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.
- (9) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal or the National Industrial Tribunal, as the case may be, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal or National Industrial Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).
- (10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.
- (11) The Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time, but not in any case more than three adjournments in all, at the instance of the parties to the dispute:
 Provided that the Tribunal for reasons to be recorded in writing may grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute.
- (12) In case any party defaults or fails to appear at any stage, the Tribunal may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:

Provided that the Tribunal may on the application of either party filed before the submission of the award, revoke the order ex-parte if it is satisfied that the absence of the party was on justifiable grounds and may proceed further to decide the matter as contested.

- (13) The Tribunal shall communicate its Award electronically or otherwise to the parties concerned and the Conciliation Officer of the Appropriate Government within one month from the date of the pronouncement of the award.
- (14) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).
- (15) Where assessors are appointed to advise a Tribunal under sub-section (5) of section 49 in relation to proceeding before it, the Tribunal shall obtain the advice of such assessors, but such advice shall not be binding on such Tribunals.
- (16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Tribunal in the following manner, namely :-
 - (a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal or National Tribunal shall be charged at the rate of Rs. Two per page or as fixed by the State Government, from time to time by notification;
 - (b) For certifying a copy of any such award or order or document, a fee of Rs. Two per page or as fixed by the Appropriate Government from time to time by notification, shall be payable;
 - (c) Copying and certifying fees shall be payable electronically;
 - (d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.
- (17) The representatives of the parties appearing before a Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal, when evidence has been called.
- (18) The proceedings before Tribunal shall be held in open court:

Provided that the Tribunal may direct any proceeding before it to be held by video conferencing:

Provided further that Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in-camera.

CHAPTER - VIII

STRIKES AND LOCK-OUTS

36. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62.- The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-XXII** which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union, which is either a negotiating union or member trade union of the negotiating council relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Labour Commissioner and the State Government.
37. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62. -
- (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-XXIII** to the General Secretary or Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, Labour Commissioner and the State Government electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
 - (2) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned conciliation officer and Labour Commissioner.
 - (3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned conciliation officer and the Labour Commissioner.

CHAPTER - IX

LAY-OFF, RETRENCHMENT AND CLOSURE

38. Manner of serving notice before retrenchment of the worker under clause (c) of section 70. - If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him, then such employer shall give notice of such retrenchment, in **Form-XXIV** to the Conciliation Officer, State Government and the Labour Commissioner, through e-mail or registered or speed post.

39. **Manner of giving an opportunity for re-employment to the retrenched workers under Section 72.-** Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least 10 days before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India with a copy to the Conciliation Officer and the Labour Commissioner through e-mail or by registered or speed post. If such workers give their willingness for employment, then the employer shall give them preference over other persons in filling up of such vacancy.
40. **Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.—** If an employer intends to close down an industrial establishment he shall give notice of such closure in **Form-XXV** to the State Government and a copy thereof to the concerned Labour Commissioner and Conciliation Officer by e-mail or registered post or speed post.

CHAPTER - X

SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

41. **Manner of making application to the State Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78.-** An application for permission under sub-section (1) of section 78 shall be made to the State government or an officer authorized by it in this regard by the employer in **Form-XXVI** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned and the Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
42. **Manner for applying for permission from the State Government to continue the lay-off under sub-section (3) of section 78.-** The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the State Government

or an officer authorised by it in Form-XXVI in this regard electronically and by registered or speed post with a copy to the Labour Commissioner and the Conciliation Officer for permission to continue the lay-off specifying the number of days, intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such layoff.

43. **Time-limit for review under sub-section (7) of section 78.-** The State Government or an Officer authorised by it may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.
44. **Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.-** An application for permission referred to in sub-section (1) of section 79 shall be made to the State Government or an officer authorized by it by the employer in **Form-XXVII** stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers, the Labour Commissioner and the concerned Conciliation Officer electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
45. **Time-limit for review under sub-section (6) of section 79:-** The State Government or an Officer authorised by it, may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such orders is made.
46. **Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80.-** An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in **Form-XXVIII** for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the

representatives of the workers and the Labour Commissioner and the Conciliation Officer electronically and by registered post or speed post.

47. **Time-limit for review under sub-section (5) of section 80.-** The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

CHAPTER - XI WORKER RE-SKILLING FUND

48. **Manner of utilization of fund under sub-section (3) of section 83-** Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account provided by the State Government. Name of the account shall be displayed on the website/ labour portal of the Labour Department maintained by the State Government. The fund so received shall be transferred by the State Government to each worker or workers' account electronically within forty five days of receipt of funds from the employer. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective accounts.

CHAPTER - XII OFFENCES AND PENALTIES

49. **Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.-**

- (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice through Labour Portal to the accused in **Form XXIX** consisting of three parts. In part I of such Form, the compounding officer shall inter-alia specify the name of the

offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. Part II of the Form shall specify the consequences if the offence is not compounded and part III of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.

- (2) The accused to whom the notice referred to in sub-rule (1) is served, may send the part III of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount electronically, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.
- (3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89.
- (4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-
 - (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and
 - (b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.
- (5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

CHAPTER - XIII**MISCELLANEOUS****50. Protected workers under sub-section (3) and (4) of section 90:—**

- (1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognised as "protected workers". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognise such workers to be "protected workers" for the purposes of section 90 and communicate to the Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognised as protected workers for the period of twelve months from the date of such communication.
- (3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognise as protected workers only such maximum number of workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Unions that the numbers of recognised protected workers in individual Unions bear practicably by the same proportion to one another as the membership figures of the Unions. The employer shall in that case intimate in writing to the President or the Secretary of the each concerned Union the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to a Union under this sub-rule falls short of the number of officers of the Union seeking protection, the union shall be entitled to select the officers to be recognised as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

- (4) When a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of "protected workers" under this rule, the dispute shall be referred to the Assistant Labour Commissioner concerned, whose decision thereon shall be final.

51. Manner of making complaint by an aggrieved worker under section 91.-

- (1) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in **Form-XXX** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.
- (2) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator or Tribunal to be acquainted with the facts of the case.

52. Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94- Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in **Form-XXXI**.

53. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94- Where the employer, is not a member of any association of employers, may authorize in **Form-XXXII** an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

54. Manner of holding an enquiry under sub-section (1) of section 85.-

- (1) **Complaint-** On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of an Assistant Labour Commissioner or Under Secretary to the State Government under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).

- (2) **Issue of Notice**— If the complaint filed is admitted by the Enquiry officer, he shall call upon the person or persons through a notice to be sent electronically and a copy of the same to be posted on Labour Portal to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified.
- (3) If the person or his representative fails to appear on the specified date, the Enquiry Officer may proceed to hear and determine the complaint ex-parte.
- (4) If the complainant fails to appear on the specified date without any intimation to the Enquiry officer on two consecutive dates, the complaint may be dismissed:
 Provided that not more than three adjournments may be given on the joint application made by complainant and the opposite party:
 Provided further that the enquiry officers shall at his discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.
- (5) **Authorisation**— The authorization to appear on behalf of any person, under sub-section (2) of section 85 shall be given by a certificate or electronic certificate, as the case may be, which shall be presented to the Enquiry Officer during the hearing of the complaint and shall form part of the record.
- (6) **Permission to appear**— Any person who intends to appear in the proceeding on behalf of complainant shall present before the Enquiry Officer and submit a brief written statement explaining the reason for his appearance. The Enquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.
- (7) **Presentation of documents**.—Complaint or other documents relevant to the complaint may be presented in person to the Enquiry Officer at any time during hours fixed by the Enquiry Officer, or may be sent to him electronically or by registered post or speed post.
- (8) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.
- (9) **Refusal to entertain complaint** —
 (i) The Enquiry Officer may refuse to entertain a complaint presented under sub-section (1) of section 85 if after giving the complainant an opportunity of being heard, the Enquiry Officer is satisfied, for reasons to be recorded in writing that—
 (a) the complainant is not entitled to present the complaint; or

- (b) the complainant is barred by limitation under the provisions of this Code
 - (c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.
- (ii) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint cannot be rectified he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.
- (10) **Record of proceedings.** — The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reason and penalty imposed with signature, date and place.
- (11) **Exercise of powers.**—In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.
- (12) **Order or direction when to be made.**—The Enquiry Officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.
- (13) **Inspection of documents.**—Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer be, in a case to which he is a party.

Form - I

(See Rule 2)

(Memorandum of settlement arrived at during conciliation/ or settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding)

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties / Authorised Representatives Of the Parties

*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Labour Commissioner .

Form II**(see sub rule (7) of Rule 8)****Auditors' Declaration**

The undersigned having had access to till the books and accounts of the.....and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the.....had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs..... nPto the.....as shown in the foregoing statement of the general fund account of the trade union, subject to the remarks, if any, appended hereto.

(1) Auditor

(2) Auditor

Note :- Each Auditor should state below his signature in what capacity with reference to Rule 18 he is qualified to audit the trade union's accounts.

Form III

(see sub rule (1) of Rule 9)

Notice of the Dissolution or amendment in rules of a Trade Union

Name of trade union.....

Registration number.....

Dated the.....day of..... 19.....

To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the Rules thereof on the day of 19.....

or

Notice is hereby given that the following rules of the trade union given under Schedule I are proposed to be amended in pursuance of the Rules thereof on the day of 19.....

We have been duly authorised by the union to forward this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting on the* day of..... 20....., copy of which is enclosed.

(Signed) 1.....

2.....

3.....

4.....

5.....

6.....

7.....

8.....

*Here insert the date, or, if there was no such resolution, state in which other way the authorisation was given.

Schedule I**AMENDMENT IN RULES**

The amendment in the Rules for the matters detailed in column (1) and (2) are given in column (3) as follows :-

	Matter (1)	Original Rules (2)	Amendment proposed (3)
1.	Name of Union.	.....
2.	The whole of the object for which the union has been established.	.....
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....
4.	The maintenance of a list of members.	.....
5.	The facilities provided for the inspection of the list of members by officers and members.	.....
6.	The admission of ordinary members.	.....
7.	The admission of honorary or temporary members.	.....
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....
9.	The conditions under which fines or forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....
12.	The safe custody of the funds.	.....

Signature of the Applicant/s

Form IV

[See sub rule (1) of Rule 10]

Application for Registration of Trade Unions

Name of the Trade Union.....

Address.....

Dated the..... day of..... 19.....

1. This application is made by the persons who names are subscribed at the foot hereof.
2. The name under which it is proposed that the "Trade Union on behalf of which this application is made shall registered, is.....as set forth in Rule No.....A copy of the resolution approving the name of the union passed in a meeting of.....on.....is enclosed.
3. The address of the head office of the union to which all communications and notices may be addressed, is.....
4. The.....Union came into existence on the.....day of..... 19.....
5. The union is a union of employers/workers engaged in the.....industry or/..... Professions /or..... (Establishment) and has.....members.
6. The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule I. A copy of the manner and proceedings of appointment/election as officers of the unions is enclosed.
7. The particulars given in Schedule II show the provision made in Rules for the matters detained in Section 7 of the Industrial Relations Code, 2020. A copy of the resolution passed in a meeting of the.....on.....approving the Rules is enclosed.
8. (To be struck out in the case of unions which have not been in existence for one year before the date of application).

The particulars required by Section 8 of the Industrial Relations Code, 2020, are given in Schedule III.

9. Two copies of the Rules of the union are attached to this application duly subscribing the names of seven or more members as required under Section 6 of the Industrial Relations Code, 2020.
10. The balance of the General Fund Account of the Trade Union on the day of registration is Rs..... P.....
11. We have been duly authorised by the Trade Union to make this application on its behalf such authorisation consisting of *.....

Name	Occupation	Address	Signature
(1)	(2)	(3)	(4)

*State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union or if not, in what other way it was given.

To,

The Registrar of Trade Unions,

Madhya Pradesh

Schedule I

List of Officers Name of the Trade Union.....

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
etc.					

Schedule II

Reference to Rules

The numbers of the Rules making provisions for the several matters detailed in column (1) are given in column (2) before :-

	Matter (1)	Number of Rules (2)
1.	Name of Union.	.....
2.	The whole of the object for which the union has been established.	.....
3.	The whole of the purposes for which the general funds of the union shall be applicable.	.....
4.	The maintenance of a list of members.	.....
5.	The facilities provided for the inspection of the list of members by officers and members.	.....
6.	The admission of ordinary members.	.....
7.	The admission of honorary or temporary members.	.....
8.	The conditions under which members are entitled to benefits assured by the Rules.	.....
9.	The conditions under which fines or forfeitures can be imposed or varied	.....
10.	The manner in which the Rules shall be amended, varied or rescinded.	.....
11.	The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	.....

12.	The safe custody of the funds.	.....
13.	The annual audit to the accounts.	.....
14.	The facilities for the inspection of the account books by officers and members.	.....
15.	The manner in which the union may be dissolved.	.....

Schedule III

(This need not be filled in if the union came into existence less than one year before the date of application for registration)

Statement of Liabilities and Assets on the..... day of..... 19.....

Liabilities	Rs. P.	Assets	Rs. P.
(1)	(2)	(3)	(4)
Amount of general fund...		Cash-	
Amount of political fund...		In hands of Treasury	
Loans from...		In hands of Secretary...	
Debts due to...		In hands of-	
Other liabilities (to be specified)		In the Bank	
		In the Bank	
		Securities as per list below :-	
		Unpaid subscriptions due loans to-	
		Immovable property	
		Goods and furniture	
		Others assets (to be specified)	
	
Total liabilities.....		Total assets.....	

List of Securities

Particulars	Face Value	Cost price	Market value
(1)	(2)	(3)	(4).
		(Signed)	1.
			2.
			3.
			4.
			5.
			6.
			7.

फॉर्म - V

(नियम 10 का उपनियम (2) देखें)
शपथ-पत्र का प्रारूप (कोर्ट फीस्टैम्प)

मैं आत्मज श्री
पता व्यवसाय
आयु वर्ष सत्य प्रतिज्ञा के साथ लिख देता हूँ
कि दिनांक को क्षेत्र के
व्यवसाय उद्योग के सेवा युक्तों की श्री के समापतित्व में एक आम
सभा हुई थी जिसमें
... (संघकानाम) निर्माण किया गया उसे व्यावसायिक संघ अधिनियम, सन् 1926 के अन्तर्गत
पंजीयन करने या पंजीयन निरस्त करने का निश्चय किया गया तथा इस के लिये दिनांक

की आम सभा में निम्न व्यक्तियों को अधिकृत किया गया :-

क्र	नाम (पिता के नाम)	आयु	उद्योग में पद	उद्योगकानाम
1.	श्री			
2.	श्री			
3.	श्री			
4.	श्री			
5.	श्री			
6.	श्री			
7.	श्री			

उपरोक्त समस्त अधिकृत व्यक्ति उनके नाम के सामने बतलाये पद पर तथा उद्योग में
उक्त दिनांक को कार्यरत थे, आज भी कार्यरत हैं तथा संघ के सदस्य हैं।

दिनांक की आम सभा में संघ का विधान स्वीकृत किया गया तथा
दिनांक को कार्य करिणी का निर्वाचन किया गया।

उपर्युक्त अधिकृत व्यक्तियों ने मेरे समक्ष पंजीयन संबंधी या पंजीयन निरस्त करने संबंधी
आवेदन-पत्र पर हस्ताक्षर किये हैं। मेरी जानकारी के अनुसार आवेदन-पत्र में दी गई समस्त
माहिती एवं संलग्न सदस्यता सूची सत्य है।

आवेदक

मैं शपथ पूर्वक घोषित करता हूँ कि उपरोक्त
कथन मेरी जानकारी से सत्य है और इस शपथ-पत्र पर मैंने अपनी सही आज दिनांक
को स्वेच्छा से की है।

आवेदक

Form VI
(see sub rule (3) of Rule 10)
List of Officers of Trade Union

(1) List of Officers Name of the Trade Union.....

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
...					
etc.					

(2) Attach certified copy of the resolution passed about the authorisation of the applicant/s.

Form VII
(See sub rule (5) of Rule 10)
Register of Trade Unions

Name of the Union	Address of office	Date of registration	Name of present Office Bearers	Number of Members	Date of Cancellation	Date of dissolution	Date of amalgamation	Name of the trade union with which amalgamated	Date of change in office bearers
1	2	3	4	5	6	7	8	9	10

Date of change in rules	any other information	remarks
11	12	13

Signature of Registrar

Form VIII**[See sub rule (6) of Rule 10]**

Certificate of Registration of Trade Union
Office of the Registrar of Trade Unions
Government of Madhya Pradesh,

1. Registration No.....

2. Name of Trade Union.....

It is hereby certified that the.....has been registered under the
 Industrial Relations Code, 2020 on this day of.20.....

(Signature) (SEAL)
 Registrar of Trade Unions

Form IX**[See sub rule (7) of Rule 10]****Request to Withdraw or Cancel Certificate of Registration**

Name of Trade

Union.....

Registration

Number.....

Address.....

Dated.....the.....day of.....20.....

To,

The Registrar of Trade Unions,

Government of Madhya Pradesh,

The above-mentioned trade union desires that its certificate of registration
 under the Industrial Relations Code, 2020, may be withdrawn (or cancelled) as
 at the general meeting* duly held on day of.....20.... it was
 resolved as follows :-

(Here give the exact signed copy of the resolution)

(Signature)

*If not at a general meeting, state in what manner the request has been
 determined upon.

Form X**[See sub rule (1) of Rule 16]****Notice of Change of Name**~~Name of trade union already registered.....~~~~Registration number.....~~~~Address.....~~~~Dated this.....day of.....19.....~~

To,

The Registrar of Trade Unions,

Madhya Pradesh,

~~Notice is hereby given that the provisions of Section 11 of the Industrial
 Relations Code, 2020, having been complied with the name of the above
 mentioned trade union has been changed to.....~~

~~The consent of the members was obtained by*~~~~(Signature)-~~

1..... President	3..... Member
2..... Secretary	4..... Member
5..... Secretary	6..... Secretary

*i.e., by referendum; resolution of a general meeting, etc. If the procedure followed is covered by
 rule, quote number of the rule.

Form X

(See sub rule (3) and (4) of Rule 13)

Application for declaring the Trade Union as Negotiating Union or Member of the Negotiating council

Name of the union.....

Address.....

Dated the day of 19....

To.

The Registrar of Trade Unions,

Madhya Pradesh,

Dear Sir,

I beg to state that the above-mentioned Trade union is to be declared as Negotiating Union / as the member of Negotiating Council for the Industrial Establishment, namely ----- under sub section (3) / (4) of Section 14 of the Industrial Relations Code, 2020, and I request that it may be registered accordingly in the records of the Registrar. A copy of the particulars and other documents in this behalf signed by the authorised person is enclosed.

2. The union was registered on the day of 19..., under Certificate No. issued by the Registrar of Trade Unions for Madhya Pradesh.

3. A copy of the rules of the Union is attached

4. The address of the head office of the union to which all the communications may be addressed is.....

5. The union has members in the the Industrial Establishment named above and represents per cent of the total number of employees employed in the the Industrial Establishment named.

Yours faithfully,
Authorised Signatory.

(See sub rule (3) and (4) of Rule 13)

Declaration of the Trade Union as Negotiating Union or Member of the Negotiating council**Office of the Registrar of Trade Unions, Madhya Pradesh, Indore**

Name of Union.....

Entry No.....

It is hereby certified that the Union has been declared as Negotiating Union / Member of the Negotiating council for the Industrial Establishment ----- as provided under sub section (3) / (4) of section 14 of the Industrial Relations Code, 2020 on this day of 20....

Signature and Seal
Registrar of Trade Unions,
Madhya Pradesh

Form XI

(See sub rule (6) of Rule 13)

Register of Negotiating Union or Member of the Negotiating council

Sr No / entry no	Name of the Negotiating Union	Name of the member union of negotiating Council Negotiating Union	Address of office	Date of registration	Name of present Office Bearer s	Number of Members	Name of the Industrial Establishment	Address of the Industrial Establishment	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of The Negotiating Union / Member of Negotiating Council	Date of declaration by the Registrar
1	2	3	4	5	6	7	8	9	10	11	12

Any other information	Remark
13	14

Signature and Seal
Registrar of Trade Unions,
Madhya Pradesh

Form XII

(See sub rule (1) of Rule 16)

Notice of Amalgamation of Trade Unions

- A. Name of registered trade union.....
- B. Number of registration.....

Serial No.	Name of the Trade Union	Registration number	Address
(1)	(2)	(3)	(4)
1			
2			
3			

- C. Dated the.....day of.....19.....
- To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that in accordance with the requirements of Section 24 of the Industrial Relations Code 2020, the members of each of the above-mentioned trade unions have resolved to become amalgamated together as one trade union. Copies of the resolution approving the amalgamation are enclosed. And that the following are the terms of the said amalgamation.

(State the terms)

And that it is intended that the trade union shall henceforth be called the.....

Accompanying this notice is a copy of the Rules intended to be henceforth adopted by the amalgamated trade union.

(To be signed by seven members and the Secretary of each trade union)

(Signed)

1. Secretary

.....

2.

.....

3.

.....

4.

.....

5.

.....

6.

.....

7.

.....

Members

Form XIII

(See clause (iii) of sub rule (1) of Rule 16)

Notice of Change of Name

Name of trade union already registered.....

Registration number.....

Address.....

Dated this.....day of.....19.....

To,

The Registrar of Trade Unions,

Madhya Pradesh,

Notice is hereby given that the provisions of Section 24 of the Industrial relations Code, 2020, having been complied with the name of the above mentioned trade union has been changed to.....

The consent of the members was obtained by*

(Signed) 1..... Secretary

2..... Member

3..... Member

4..... Member

5..... Member

6..... Member

7..... Member

8..... Member

*i.e., by referendum; resolution of a general meeting, etc. If the procedure followed is covered by rule, quote number of the rule.

Form XIV

(See clause (i) of Rule 18)

Part A**Annual Return (General Statement) prescribed under Section 26 of the Industrial Relations Code, 2020**

From 1st January, 20..... to 31st December, 20....

1. Name of Trade union
2. Address.....
3. Registered Head
Office.....
4. No. and date of certificate of Registration
No.....date.....
5. To which category of industry the union belongs ? viz., the
public sector or private sector. ..
6. Under whose jurisdiction the above-mentioned Industry
falls ? viz., whether Central Government or State ..
Government.
7. Is the union affiliated to any All India Body ? If so, state itsNo.....
name and affiliation number. .
8. Affiliation fee..... Rs.nP. ...
9. Number and date of payment of affiliation fee to the AllReceipt No.
India Body.date.....
- 10 Number of the members of the Working Committee.
. ..
- 11 Number of outsider members, if any, in the Working
Committee. ..
- 12 Name of the industry to which the union belongs.
. ..
- 13 Details about the jurisdiction of the union.
. ..
- 14 Monthly subscription for the members.
. ..
- 15 (This information need not be given by federations of trade
unions) :-
- (a) Number of members on books at the beginning of the
year ..
- (b) Number of members admitted during the year
..
- Total of (a) and (b)
- (c) Number of members leaving the union during the year
..
- Balance by deduction from the

	Total of (a) and (b)	..
(d) Total number of members on books at the end of the year (i.e., on 31st March):-		
	Males.....	
	Females.....	
	Total.....	
(e) Number of members contributing to political fund.	.....	..
(f) Number of members paying their subscription for the whole year.	.....	..
16 Return to be made by federations of trade unions :-		
(a) Number of unions affiliated at the beginning of the year.	.....	..
(b) Number of unions joining during the current year.	.....	..
(c) Number of unions disaffiliated during the year.	.....	..
(d) Number of unions affiliated at the end of the year.	.....	..
(e) Membership fee realised from the affiliated unions.	Rs.....nP.....	
(f) Number of affiliated unions from whom membership fee was received during the year.	.....	..
(g) Number of affiliated unions contributing to political fund.	.....	..
(h) Number of members of affiliated unions.	Males..... Females..... Total.....	..

Note :- Information in regard to-

1. (a) Columns 1 to 13 of Part A of this statement to be filled in by both the categories, i.e., unions and federations.

(b) Columns 14 and 15 to be filled in only by the trade unions, not by federations.

(c) Column No. 16 to be filled in only by the federations.

2. A copy of the rules of the trade union corrected up to the date of dispatch thereof to be enclosed with the statements of annual return.

Part B
General Fund Account

Income			Expenditure		
Sr	Details	Rs.nP	Sr	Details	Rs.nP
1.	Balance at the beginning of the year.		1.	Salaries, allowances and expenses of offices:	
2.	Subscription received from members as per the following details : -		2.	Salaries, allowances and other expenses of the establishment	
	(a) Subscription received for the current year.		3.	Auditors fees.....	
	(b) Subscription in arrears for the current year -		4.	Legal expenses.....	
	(1) Subscription in arrears for 3 months or less.		5.	Expenses in conducting trade disputes.	
	(2) Subscription in arrears for 6 months or more than 6 months.		6.	Compensation paid to members for loss arising out of trade disputes	
	(c) Subscription in arrears for more than one year		7.	Funeral, old age, sickness, unemployment benefits, etc.	
	Total		8.	Educational social and religious benefits.	
3.	Donations.		9.	Cost of publishing periodicals	
4.	Interest on investments		10.	Rents, rates and taxes	
5.	Sales of periodicals, books and rules, etc.		11.	Stationery, printing and postage.	
6.	Income from miscellaneous sources (to be specified).		12.	Expenses incurred under Industrial Relations Code, 2020.	
			13.	Other expenses (to be specified)-	
	(1).....		(1).....		
	(2).....		(2).....		
	(3).....		(3).....		
	(4).....		(4).....		
				Total expenditure.....	
	(5).....				
	(6).....			Balance at the end of the year.....	
	Total.....			Total.....	

Treasurer

Part C**Statement of Liabilities and Assets of Trade Union**

On..... 20.....

Liabilities Assets

Details		Rs. nP.	Details.		Rs.nP
1.	Amount of general fund		1.	Cash	
2.	Amount of political fund		(a)	In hands of the Treasurer	
3.	Loans from ...		(b)	In hands of the Secretary or other person to be named.	
			2.	In the Bank	
4.	Arrears to be paid -		3.	Securities (as per list in Part D)	
			4.	Unpaid subscription due [as shown in Part B in columns (b) and (c)]	
5.	Other liabilities (to be specified)-				
	(1).....		(a)	Amount of the current year's subscription	
	(2).....		(b)	Amount of the last year's subscription	
	(3).....		5.	Loans	
	(4).....		(a)	Officers	
			(b)	Members	
			(c)	Others	
			6.	Immovable property	
			7.	Goods and furniture -	
			(a)	Of the current year	
			(b)	Of the last year	
			8.	Other assets	
	Total.....			Total.....	

Part D
List of Securities

Particulars	Pace Value	Cost Price	Market price at date on which accounts have been made up	Deposited with
(1)	(2)	(3)	(4)	(5)

Part E
Political Fund Account

IncomeExpenditure			
Details	Rs. nP.	Details	RsnP
1. Balance at the beginning of the year		1. Payments made on objects specified in Section 16 (2) of the Indian Trade Unions Act, 1926	
2. Contributions from members		2. Expenses of management (to be fully specified)	
		Total	.....
		Balance at the end of the year	
Total	Total	.....

Part F
Auditors' Declaration

The undersigned having had access to till the books and accounts of the.....and having examined the foregoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the.....had properly maintained its membership register and its accounts and the members had paid their membership subscription Rs..... nPto the.....as shown in the foregoing statement of the general fund account of the trade union, subject to the remarks, if any, appended hereto.

(1) Auditor

(2) Auditor

Note :- Each Auditor should state below his signature in what capacity with reference to Regulation 18 he is qualified to audit the trade union's accounts.

Part G**Officers appointed by election or nomination**

Name	Date of birth	Home Address	Occupation	Office held in the union	Whether by election or nomination	Date on which appointment in column (5) was taken up
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Part H

The following changes of officers have been made during the year

Officers relinquishing office

No.	Name	Office	Date of relinquishing office
(1)	(2)	(3)	(4)

Form XV

(See sub rule (1) of Rule 19)

Application for recognition as the State Level Trade Union

Name of the Trade union/ Federation Of Trade

Unions.....

Address.....

Dated theday of..... 19....

To.

The Principal Secretary or Authorised Officer (Designation)
Government of Madhya Pradesh, Department of Labour/

Dear Sir,

I beg to state that at the general meeting of the members/at the meeting of the executive of the above-mentioned Trade union/ Federation Of Trade Unions which was held at.....on the day of..... 20...., it was resolved that the union should apply to you for recognition as State Level Trade Union under sub section (2) of Section 27 of the Industrial Relations Code, 2020, for the. A copy of the resolution in this behalf signed by the President/ General Secretary of the union is enclosed.

2. The TradeUnion/ Federation of Trade Unions is duly registered on the day of.....year ..., under Certificate No.issued by the Registrar of Trade Unions for Madhya Pradesh.

3. A copy of the rules of the Trade Union/ Federation of Trade Unions is attached.

4. The address of the head office of the Trade Union/ Federation of Trade Unions to which all the communications may be addressed is.....

5. The Trade Union/ Federation of Trade Unions has affiliation of other Trade Unions in the state, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.

6. The Trade Union/ Federation of Trade Unions has totalmembers (number) in the state (District Wise, Trade Union wise membership)

Yours faithfully,
Name and Designation
General Secretary/Secretary.

FORM - XVI
(See Rule 29)

(Notice of change of service conditions of workers proposed by an employer)

Name of
employer.....
Address.....
.....
Dated theday of
20.....

In accordance with section 40(1) of Industrial Relation code I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to this code

Signature.....
Designation

ANNEXURE

(Here specify the change/changes intended to be effected)

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Labour commissioner.
3. Concerned Conciliation Officer.

FORM - XVII**(Agreement for voluntary arbitration)****(See sub rule (1) of Rule 30)****BETWEEN**

.....Name of the parties representing employer (s)

And

.....Representing worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of [here specify the name(s) and address(es) of the arbitrator (s)].

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the undertaking affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

*We further agree that the majority decision of the arbitrators) shall be binding on us in case the arbitrator(s) are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator (s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the central Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties Representing employer] Representing worker/ workers.

Witnesses

- 1.
- 2.

Copy to: (i) The Principal Secretary to the Government of Madhya Pradesh, Department of Labour

(ii) Labour commissioner

(ii).The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].

FORM-XVIII

(See sub rule Rule 32)

(Authorization by a worker, group of worker, employer, group of employer to be represented in a proceeding before the authority under this Code).

Before the Authority
(Here mention the authority concerned)

In the matter of..... (mention the name of the proceeding)

.....workers

Versus

.....Empl
oyer

I/we hereby authorise Shri / Sarvashri (if representatives are more than one) 1.....2.....3..... to represent me/us in the above matter.

Dated this.....day of.....20.....

Signature of person(s) nominating the representative(s)
Address Accepted

FORM- XIX

(See sub Rule (21) of Rule 33)

Form of Oath of Office for Judicial Member of State Industrial Tribunal

I, _____, having been appointed as Judicial Member of Industrial Tribunal..... (Name of the Tribunal) do solemnly affirm/ do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Judicial Member of Industrial Tribunal ----- (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

FORM- XX**(See sub Rule (21) of Rule 34)****Form of Oath of Office for Administrative Member of State Industrial Tribunal**

I, -----, having been appointed as Administrative Member of Industrial Tribunal..... (Name of the Tribunal) do solemnly affirm/ do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Administrative Member of Industrial Tribunal --- ----- (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

FORM - XXI**(See sub rule (5) of Rule 35)**

(Application to be submitted before the Tribunal in the matter not settled by the Conciliation Officer)

Before..... (here mention the name of the Tribunal having jurisdiction over the area)

In the matter of: (mention the details of the matter)

..... Applicant
Address.....

Versus

..... Opposite party (ies)
Address.....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case).

The applicant prays that the instant dispute may please be admitted for adjudication and request to pass appropriate Award.

Date

Place

Signature

Form - XXII

(See Rule 36)

(Notice of Strike to be given by Union(Name of Union)/ Group of Workers)Name of five elected representatives of
workers.....

Dated the.....day of.....20.....

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relation code I/We hereby give you notice that I propose to call a strike / we propose to go on strike on20....., for the reasons explained in the annexure.

Yours

faithfully,

ANNEXURE
Statement of the Case.

(Secretary of the Union)
Five representatives of the
workers duly elected at a
meeting held
on.....
(date), vide resolution
attached.]

Copy to; 1. Labour Commissioner 2. Conciliation
Officer of the concerned area

FORM- XXIII**(See sub rule (1) of Rule 37)****(Notice of Lock-out to be given by an employer of an industrial establishment)**

Name of employer

.....

Address.....

.....

Dated the.....day of.....20.....

In accordance with the provisions of 62(6) of this code, I/we hereby give notice to all concerned that it is my/our intention to effect lock out in.....department(s), section(s) of

my/our establishment with effect from.....for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1. Statement of reasons	
information attached must be verified	

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Principal Secretary, Govt Of MP , Dept of Labour ,BHOPAL
- (3) Conciliation officer
- (4) Labour Commissioner

Form - XXIV
(See Rule 38)

(Notice of Intimation of Retrenchment to be given by an employer to the State Government)

[In cases of Part I, the prior notice of intimation should be served thirty days before the commencement of retrenchment and in cases of Part II, i.e., closure, prior notice of intimation of sixty days is required to be given before the commencement of closure]

Name of Industrial Establishment or Undertaking or
Employer.....Labour Index No.
Address.....
.....
Dated(DD/MM/YYYY).

To,
The Principal Secretary/ Secretary to the Government of Madhya Pradesh,
Department of Labour , Bhopal

Sir,

Part - I
(Retrenchment)

1. Under clause (a) of section 70 of the Industrial Relation Code, 2020, I/whereby inform you that I/we have decided to retrench (number of workers)..... workers with effect from.....(DD/MM/YYYY). the list of workers and other details of their service and payments are enclosed in the **Annexure I** and the reasons for retrenchment explained in the **Annexure II**.
2. The workers concerned have been given on the.....(DD/MM/YYYY) one month's notice in writing as required.
or
The worker(s) have been given on the.....(DD/MM/YYYY) one month's pay in lieu of notice as required.
3. The total number of workers employed in the industrial establishment/undertaking areand the total number of those who are being retrenched are.....The list is enclosed.
4. I / We declare that I/we have / shall pay all the dues to the workers before the expiry of the notice period as per section 75 / section 70 of this Code.
5. I / We declare that there is no case in any Court of Law pending about this matter.
6. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

ANNEXURE I

S r	UAN/ CMPFO	Name of the worker	Categor y Highly Skilled /Skille d/ Semi/ Unskill ed	Date of Appointmen t with Employer	Wages on the date of applic ation	Total payable wages , compensati on and other dues(Head wise details)	Date of payment of wages , compensati on and other dues(Head wise details)	Remark s

ANNEXURE II

Statement of Reasons for retrenchment

1.

2.

Copy to :

1. To the Labour Commissioner
2. Conciliation Officer of the concerned area

Form - XXV

(See Rule 40)

(Notice of Intimation of Closure to be given by an employer to the State Government)

[In cases of Part I, the prior notice of intimation should be served sixty days before the commencement of closure.]

Name of Industrial Establishment or Undertaking or
Employer..... Labour Index No.
.....Address.....

Dated(DD/MM/YYYY).

To,

The Principal Secretary/ Secretary to the Government of Madhya Pradesh,
Department of Labour , Bhopal

Sir,

Part - I
(Closure)

1. Under sub-section (1) of section 74 of the Industrial Relation Code, 2020, I/ we hereby inform you that I/we have decided to close down..... (name of the industrial establishment or undertaking or employer) with effect from.....(DD/MM/YYYY). The list of affected workers and other details of their service and payments are enclose in the **Annexure I** and the reasons for closure explained in the **Annexure II**.
2. The number of workers whose services would come to an end on account of the closure of the industrial establishment or undertaking are..... (number of workers).
3. Number of workers (Attach the list) Category and designation of workers, who have been affected due to closure.
I/We hereby declare that all the worker/workers concerned has/have been/will be paid compensation due to them under section 75 of this Code before or on the date of expiry of the notice period as per **Annexure II**.
4. I / We declare that there is no case in any Court of Law pending about this matter.
5. I / We declare that all the information in this notice and annexure and the list are correct to the best of my / our knowledge and I / We shall remain responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Yours

faithfully,

(Name & Designation of the employer/Authorised Representative)

ANNEXURE I

S r	UAN/ CMPFO	Name of the worker	Categor y Highly Skilled /Skille d/ Semi/ Unskill ed	Date of Appointmen t with Employer	Wages on the date of applic ation	Total payable wages , compensati on and other dues(Head wise details)	Date of payment of wages , compensati on and other dues(Head wise details)	Remark s

ANNEXURE II

Statement of Reasons for closure with reference to Rule 25 and Rule 27 and Form VIII.

1.

2.

Copy to :

3. To the Labour Commissioner

4. Conciliation Officer of the concerned area

FORM - XXVI
(See Rule 41)

[Form of application for permission of **Lay-off or for continuation of lay-off** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be presented 15 days prior to lay-off / from the end of last lay-off]

To,
The Principal Secretary/ Secretary to the Government of Madhya Pradesh /
Authorised Officer,
Department of Labour, Bhopal

Sir,
Name of Industrial Establishment or Undertaking or
Employer..... Labour Index No.
.....Address.....
.....
Dated(DD/MM/YYYY).

1. Under Section 78 of the Industrial Relations Code, 2020, I/we hereby apply for "permission to lay-off.....workers (indicate number in figures and words) out of total of.....workers (indicate number in figures and words) employed in my/our establishment with effect from(DD/MM/YYYY).List and other details of service and Payments of laid off workers is attached in the **Annexure I**. The reasons for lay off/ continuation of lay off and other details are set out in the **Annexure-II**

2. The workers concerned have been given* notice in writing as required under section 79.

or

The worker concerned have not* been given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.

3. All Such workers permitted to be laid-off due to closure shall be paid such compensation, to which they are entitled under section 67, read with section 78(10), or, 79(9) or, 80(8) respectively of this Code as per the details given below in the Annexure.

4. I / We declare that there is no case in any Court of Law pending about this matter.

5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

ANNEXURE I

Sr	UAN/ CMPFO	Name of the worker	Categor y Highly Skilled /Skille d/ Semi/ Unskill ed	Date of Appointmen t with Employer	Wages on the date of intima tion	Total payable wages , compensati on and other dues(Head wise details)	Date of payment of wages , compensati on and other dues(Head wise details)	Remark s

ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding) (ii) Whether a private limited company/ partnership firm or proprietorship firm	Indicate the status of the company
3.	(a) MCA number (b) GSTN number (c) Registration number of the labour department	
4.	(i) Annual production, item wise for pre-ceding three years— (ii) Production figures, month-wise, for the preceding twelve months,	Attach details Attach details
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	
6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ the number of workmen involved in each such lay-off/ continuation of lay off	Attach details
8.	Any other relevant details which have bearing on lay-off	Attach details
9.	Statement of reasons for lay off with documentary evidence	Attach details

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.

FORM - XXVII
(See Rule 44)

[Form of application for permission of **Retrenchment** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies to be submitted sixty days before the retrenchment]

To,

The Principal Secretary/ Secretary to the Government of Madhya Pradesh,
Department of Labour,
Bhopal

Sir,

1. Under sub-section (2) of section 79 of the Industrial Relation Code 2020, I/we hereby apply for permission for proposed retrenchment of.....workers(indicate number in figures and words) with effect from(DD/MM/YYYY).List and other details of service and Payments of retrenched workers is attached in the **Annexure I**. The reasons for retrenchment and other details are set out in the **Annexure-II**
2. The workers concerned have been given* notice in writing as required under clause (a) of sub-section (1) of section 79. The worker concerned have not* been given notice since the retrenchment is under an agreement (copy of which is enclosed) as provided in the proviso to the said clause.
3. All Such workers permitted to be retrenched shall be paid such compensation to which they are entitled under section 79 of this Code and all other dues, as per the details given below in the Annexure I.
4. I / We declare that there is no case in any Court of Law pending about this matter.
5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Permission is solicited for the retrenchment of the workers of the said establishment .

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

(** The application for permission in case of closure must be given at least 90 days before of the intended closure)

ANNEXURE I

S r	UAN/ CMPFO	Name of the worker	Categor y Highly Skilled /Skille d/ Semi/ Unskill ed	Date of Appointmen t with Employer	Wages on the date of intima tion	Total payable wages , compensati on and other dues(Head wise details)	Proposed Date of payment of wages , compensati on and other dues(Head wise details)	Remark s

ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding)	Indicate the status of the company
	(ii) Whether a private limited company/ partnership firm or proprietorship firm	Attach details
3.	(a) MCA number (b) GSTN number (c) Registration number of the labour department	Attach details
4.	(i) Annual production, item wise for pre-ceding three years-	
	(ii) Production figures, month-wise, for the preceding twelve months,	
5.	Balance sheets, profit and loss accounts and audit reports for the last three years.	Attach details
6.	Names of the inter-connected companies or companies under the same management.	Attach details
7.	Details of Retrenchment resorted to in the last three years (other than the Retrenchment for which permission is sought), including the periods of such Retrenchment the number of workmen involved in each such Retrenchment	Attach details

8.	Any other relevant details which have bearing retrenchment	Attach details
9.	Statement of reasons for retrenchment with documentary evidence	Attach details

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.

FORM - XXVIII
(See Rule 46)

[Form of application for permission of **Closure** in Industrial establishments or Undertaking to which provisions of Chapter X of the Industrial Relations Code, 2020 applies]

To,
The Principal Secretary/ Secretary to the Government of Madhya Pradesh,
Department of Labour,
Bhopal

Sir,

1. Under section 80(1) of the Industrial Relation Code, 2020, I / we hereby inform you that I/we propose to **close down the undertaking specified below of (name of the industrial establishment). with effect from (DD/MM/YYYY).List and other details of service and Payments of affected workers due to closure is attached in the **Annexure I**. The reasons for closure and other details are set out in the **Annexure-II**

2. The workers concerned have been given notice in writing as required under clause (a) of sub-section (1) of section 79.

3. All Such workers affected by closure shall be paid such compensation, to which they are entitled under section 79 of this Code and all other dues as per the details given below in the Annexure I.

4. I / We declare that there is no case in any Court of Law pending about this matter.

5. I / We declare that all the information in this notice, annexures and the lists are correct to the best of my knowledge and I / We shall be responsible for the correctness of the information and I / We have not hidden any facts or evidence in the matter.

Permission is solicited for the closure of the said establishment .

Yours faithfully,
(Signature)

(*Strike off which is not applicable)

(** The application for permission in case of closure must be given at least 90 days before of the intended closure)

ANNEXURE I

S r	UAN/ CMPFO	Name of the worker	Categor y Highly Skilled /Skille d/ Semi/ Unskill ed	Date of Appointmen t with Employer	Wages on the date of intima tion	Total payable wages , compensati on and other dues(Head wise details)	Proposed Date of payment of wages , compensati on and other dues(Head wise details)	Remark s

ANNEXURE II

	Particulars	Remarks, if any
1.	Name of the industrial establishment/ undertaking with complete postal address along with Pin Code, e-mail, telephone number(s).	
2.	Status of undertaking— (i) Whether Central Public sector/State public sector/Foreign majority company /joint sector company, etc., (In case of foreign holding company then indicate the extent of foreign holding) (ii) Whether a private limited company/ partnership firm or proprietorship firm	Indicate the status of the company
3.	(a) MCA number (b) GSTN number (c) Registration number of the labour department	
4.	(a) *Names and identification number of the affected workers proposed to be affected by closure.	The identification number UAN of EPFO under SS Code.
5.	(i) Annual production, item wise for pre-ceeding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
6.	Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
7.	Net worth of the company	
8.	Names of the inter-connected companies or companies under the same management.	
9.	Details of lay-off/ Retrenchment resorted to in the last three years (other than the lay-off/ Retrenchment for which permission is sought), including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off	
10.	Any other relevant details which have bearing on Closure.	

A copy of this form shall be submitted to the Labour Commissioner and the concerned Conciliation Officer of the area.

FORM - XXIX

(See Rule 49)

(Notice to the Employer who committed an offence for the first time under this code, for compounding of offence under sub-section (4) of section 89)

The undersigned and the Compounding Officer under sub-section 1 of section 89 of the Industrial Relation Code, 2020 hereby intimates that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below:-

PART - I

1. Name and Address of the offender Employer-
2. Address of the Establishment
.....
3. Particulars of the offence -----
.....
4. Section of the Code under which the offence is committed-----

5. Compounding amount required to be paid towards composition of the offence.....

PART - II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, along with an application dully filled in part - III of this notice.

In case you fail to deposit the said amount within the specified time, no further opportunity shall be given and necessary direction for filing of prosecution under section ----- shall be issued.

(Signature of the Compounding Officer)

Date:

Place:

PART - III

Application under sub-section (4) of section 89 for compounding of offence

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned.....

2. Address of the applicant
3. Particulars of the offence
.....
.....
.....
4. Section of the Code under which the offence has been committed
.....
5. Details of the compounding amount deposited (electronically generated receipt to be attached).....
6. Details of the prosecution, if filed for the violation of above mentioned offences may be given
7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence
.....
.....
.....
.....
8. Any other information which the applicant desires to provide
.....
.....
.....
.....

Dated:

Place:Applicant

(Name and signature)

FORM -XXX**(See Rule 51)**

(Complaint under Section 91 of the Industrial Relation Code, 2020)

Before the Conciliation officer/ Arbitrator/ Tribunal or, National Tribunal ---

In the matter of :..... Reference

No.....

A.....

Complainant(s);

Address:

Versus

Opposite Party(ies).

B.....

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation code, as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged.)

The complainant(s) accordingly prays/pray that the Conciliation officer/ Arbitrator/ Industrial Tribunal or National Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required under rule 91 of the Industrial Relation Code are submitted herewith.

Dated this.....day of.....20..... Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraph..... above is true to my knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at..... onday of.....20.....

Signature

or Thumb impression of the person verifying.

FORM -XXXI

(See Rule 52)

(Manner of authorisation of worker for representation under Section 94 of the Industrial Relation Code, 2020)

To,
The Authority (name-----)
Address-----

I (name of the applicant)----- hereby authorise Shri-----
-----, holding the post of executive/Office bearer (name
of the post)-----in The Trade Union (name of the trade union)-----
-----bearing registration number----- to represent me
(name of the applicant)----- employed in (name of the
establishment and address)-----in the matter as mentioned
below:-

Signature and name and address of the applicant

FORM -XXXII

(See Rule 53)

(Manner of authorisation of employer for representation under Section 94 of the Industrial Relation Code, 2020)

To,
The Authority (name-----)
Address-----

I (name of the applicant)-----
designation----- and name & address of the industrial
establishment -----
-----hereby authorise Shri -----
-----, holding the post of (name of the post)-----
in the Establishment/Association of Employers (name of the establishment or Association of
Employers and address)----- in the matter as mentioned below:-
Details of the Matter:-

Signature and name and address of the applicant

By order and in the name of the Governor of Madhya Pradesh,
CHHOTAY SINGH, Dy. Secy.